IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 29618 of 1995

Between:

P.Ratanlal, S/o.Satyanarayana,
R/o.Balanagar, Hyderabad.

..... PETITIONER

AND

1 Municipal Council, Ranga Reddy Dist., rep. by Commissioner, Kukatpalli, Hyderabad.
2 Hyderabad Urban Development Authority, rep. by its Secretary, Hyderabad.
3 M.B.Sudhakar, Proprietor, Shanti Medical Hall, Balanagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more particularly in the nature of Writ of Mandaums, directing the respondents not to demolish the existing 2nd floor on Room Nos.3-46, 47, 48, 49 and 50 situated at Balanagar, Hyderabad, which is within the jurisdiction of the 1st respondent pending the above writ petition.

For the Petitioner: MR. S.VENKATESWARA RAO, Advocate

For Respondent No.1: Government Pleader for Municipal Administration and Urban Development.

For Respondent No.2: MR. K.GULAM DASTHAGEER, Standing Counsel for Hyderabad Urban Development Authority.

For Respondents No.3: None appeared

The Court made the following:

ORDER:

By this writ petition, the petitioner seeks a direction to the respondents not to demolish the existing second floor constructed on the rooms bearing door Nos.3-46, 3-47, 3-48, 3-49 and 3-50 of Balanagar, Hyderabad.

The petitioner claims to be owner of the property in question, having acquired the same in the family partition. He states that he submitted a modified plan to the first respondent for construction of second floor on the top of the said rooms, but the same was not approved and no reply was received rejecting the plan. There upon, he approached the Town Planning Officials who informed him to proceed with the construction and that the plan submitted by him would be considered later. He states that as per the provisions of Municipalities Act, if no reply is sent by the Municipality either approving or rejecting the plan within a particular time, it is deemed that the plan is accepted and sanctioned, and since no reply has been received from the first respondent either approving or rejecting the plan, he constructed second floor with two rooms, presuming that the plan was approved. Thereafter, the officials of the first respondent, without giving any show-cause notice, threatened him to demolish entire structure on the second floor. Hence, the writ petition.

When the matter came up today for hearing, the learned counsel for the petitioner submitted that the structures on the second floor of the property in question were regularized under Building Regularisation Scheme (BRS) on an application filed by the petitioner with the first respondent-Municipality, and therefore, no further orders are necessary in this writ petition.

Recording the above statement, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 25-10-2004

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To

1 The Commissioner, Municipal Council, Ranga Reddy District,
Kukatpalli, Hyderabad.
2 The Secretary, Hyderabad Urban Development Authority, Hyderabad.

3 Two CCs. to the Government Pleader for Municipal Administration &
Urban Development, High Court Buildings, A.P., Hyderabad.

4 Two CD copies.